

Amendments to the Drawings:

Delete drawing sheets 1 through 3 and amend as shown in the attached Replacement Sheets. There are six Replacement Sheets. The Replacement Sheets are labeled “Replacement Sheet 1/6,” “Replacement Sheet 2/6,” “Replacement Sheet 3/6,” “Replacement Sheet 4/6,” “Replacement Sheet 5/6,” and “Replacement Sheet 6/6.”

All drawing changes are described in this section pursuant to MPEP 714 II.D. The changes will not be discussed in the **Remarks** section of this Amendment.

First, in regard to drawing sheets 1 and 2, the changes made are to the total number of sheets and the use of “Replacement Sheet”. For example, whereas FIGURES 1 and 1A were on drawing sheet “1/3,” said sheet is amended to state “Replacement Sheet 1/6.” As such, the number 3 has been replaced by the number 6 and the phrase “Replacement Sheet” has been added.

Second, drawing sheet 3 used to have FIGURE 3 and FIGURE 4. Now, FIGURE 3 is on Replacement Sheet 3/6, while FIGURE 4 is on Replacement Sheet 5/6. As with drawing sheets 1 and 2, the other changes made are to the total number of sheets and the use of “Replacement Sheet”.

Third, FIGURES 4A and 4B in Replacement Sheet 4/6 now show the connections between the Footplate and the Latch Rods. Although these connections were described and otherwise disclosed in the original specification, the Replacement Sheet is included to facilitate ease of understanding said connections.

Fourth, FIGURE 4 in Replacement Sheet 5/6 now shows the complete Dropside of the crib instead of the previous partial rendering. The Footplate (previously pressure plate) described and otherwise disclosed in the original specification is now distinctly represented in the Replacement Sheet.

Fifth, FIGURE 5 in Replacement Sheet 6/6 is included to provide greater understanding as to how the features described or otherwise disclosed in the original specification are organized relative to one another. It is also included to facilitate understanding of the interaction relative to the Front Corner Leg Slots 12 and 13 and the Side Rails 22 and 23 in regard to the sizes thereof.

This particular point was specifically discussed in the second to last paragraph of the Detailed Description of the Invention in the original Specification.

The Applicants have taken great care to ensure no new matter has been added. All Replacement Sheets address matter previously described or otherwise disclosed in the original specification. No new matter has been added.

REMARKS --General

Applicants have amended the specification to more clearly state the features of the invention as well as the interaction of the features with one another. Features are consistently referenced. The left side, right side descriptions to certain features have been eliminated. The left side, right side descriptions are replaced with First and Second feature modifiers. As such, the features and there relative interactions are more readily understood by those skilled in the art.

Applicant has also amended the Claims to define the invention more particularly and distinctly so as to overcome the technical rejections. More detailed analysis of the points raised in the Office Action in regard to the Claims follows.

1. Objections to Drawings: Points 1 and 2 in Office Action

The drawings were objected to under 37 CFR 1.83(a) in points 1 and 2 of the Office Action. The objections are overcome through Applicants' submission of Replacement Sheets 1 to 6, which illustrate FIGURES 1, 2, 3, 4, 4A, 4B, and 5.

As may be seen in said FIGURES, the features of the invention are shown in the FIGURES. No new matter has been added. Accordingly, Applicants request withdrawal of the objections to the drawings as provided in points 1 and 2 of the Office Action.

2. Objections to Claims 9 and 10: Point 3 in Office Action

Claims 9 and 10 were objected to for informalities. Claims 9 and 10 have been deleted and replaced. The Claims replacing original Claims 9 and 10 do not contain the informalities identified in the Office Action and are in allowable form. Accordingly, Applicants request withdrawal of the rejections of Claims 9 and 10 as provided in point 3 of the Office Action.

3. Rejections of Claims 1 and 2: Points 4 and 5 in Office Action

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Guillot (US2002/0157182A1). Claims 1 and 2 have been deleted and replaced. The Claims replacing original Claims 1 and 2 are not anticipated by Guillot (US2002/0157182A1).

Guillot (US2002/0157182A1) does not teach what is presented by Applicants. As discussed in the Office Action, Guillot's dispositive features are a side unit 14, a latching/guiding mechanism 50, and end posts 17 and 18. These are the descriptions of the features as used in Guillot.

The Claims replacing original Claims 1 and 2 distinguish over Guillot (US2002/0157182A1) for several reasons. First, Guillot does not show the vertical rod and slide rail features of Applicants' invention. Second, Guillot does not show the footplate and latching means features of Applicants' invention. Third, Guillot does not show slotted regions in the crib legs as does Applicants' invention. Fourth, while Guillot shows two slotted regions in each vertical side post, Applicants' show only one slotted region in each corner leg. Fifth, Applicants' Claims are now more narrowly claimed and otherwise distinguish over Guillot.

These distinctions are submitted to be of patentable merit. That is, Applicants' invention has novel features not shown in Guillot. Accordingly, Applicants request withdrawal of the rejections of Claims 1 and 2 as provided in points 4 and 5 of the Office Action.

4. Rejection of Claim 3 under 35 U.S.C. 103(a) on Guillot and Benoit (4,924,539): Points 6 and 7 in Office Action

Claim 3 was rejected under 35 U.S.C. 103(a) as unpatentable over Guillot (US2002/0157182A1) in view of Benoit (4,924,539). The main thrust of the current rejection was that there was a lack of detail in Claim 3 for adequate understanding of how the elements in said claim functioned together. Applicants request reconsideration of this rejection for the following reasons:

- (1) Claim 3 has been re-written to define patentably over the aforesaid references.
- (2) The proposed combination would not be physically possible or operative.
- (3) There is no justification in Guillot (US2002/0157182A1) and Benoit (4,924,539), or in any other prior art separate and apart from Applicants' disclosure, which suggests that these references be combined, much less combined in the manner proposed.
- (4) Because the results achieved by Applicants are greater than the sum of the respective results of either Guillot (US2002/0157182A1) and Benoit (4,924,539), Applicant's invention is not obvious.
- (5) Because Applicants' invention pertains to a crowded art, any slight modification or improvement is enough to overcome an obviousness rejection.
- (6) Despite the inherent utility of Applicants' invention, its advantages have remained unappreciated by those skilled in the art since no one skilled in the art has implemented the features of Applicants' invention.

Guillot (US2002/0157182A1) Brief Discussion

Guillot (US2002/0157182A1) does not teach what is presented by Applicants. As discussed in the Office Action, Guillot's dispositive feature in this instance is a latching/guiding mechanism 50. Moreover, according to the Office Action, Guillot discloses that common crib hardware; namely, a latching bar along a bottom rail engaging catch elements.

Benoit (4,924,539) Brief Discussion

Benoit (4,924,539) does not teach what is presented by Applicants. As discussed in the Office Action, Benoit (4,924,539) discloses a latching mechanism and a button/plate arrangement for release of the side of the crib.

Claim 3 Re-Written

The main thrust of the current rejection was that there was a lack of detail in Claim 3 for adequate understanding of how the elements in said claim functioned together. As such, Claim 3 was deleted and re-written via Claims 12 through 21. Although it is not readily possible to directly link any separate claim of Claims 12 through 21 to former Claim 3, the elements in Claims 12 through 21 will be discussed. Such discussion will show that the function of the elements in the claims is now more readily understood and distinguishes over Guillot (US2002/0157182A1) and Benoit (4,924,539).

As is now more apparent in the re-written claims, the Applicants' invention implements movement in the side of the crib along vertical slide rods mounted within the corner legs. This is done by having the vertical slide rods also placed within the channeled regions of the side rails. That is, the side rails are placed within the corner legs so that the channeled regions in the corner legs align with the channeled regions in the side rails so that the vertical slide rods pass through the channeled regions. Because the side rails are shorter in length than the slotted region of the corner legs (See FIGURE 5), when the latching means is removed from the corner legs, the side rails move vertically along the vertical slide rods within the confines of the slotted regions of the corner legs. These elements, as well as their functions, are now more distinctly presented in re-written Claims 12 through 21.

The Proposed Combination Would Not Be Physically Possible Or Operative

The proposed combination of Guillot (US2002/0157182A1) and Benoit (4,924,539) would not be physically possible or operative for several reasons. These reasons are discussed below.

First, the pin and latch mechanism (elements 56 and 72) in Benoit would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the

end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in Benoit there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend.

If these features were combined, the couplings in Guillot would interfere with the latch tab in Benoit as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in Benoit would not be able to pass the coupling elements. Moreover the fixed pin 72 in Benoit would also interfere with the coupling elements in Guillot.

Second, the combination would require a horizontal movement to initiate the activation of the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism Benoit, together with pushing of the finger piece 42 in Benoit. This combination of movements would render the combination too complex for operation. As such, the combination would be inoperable.

Third, the cam 75 in Guillot and the latch tab 56 of Benoit would cause additional problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

There is no justification in Guillot (US2002/0157182A1) and Benoit (4,924,539) which suggests that these references be combined, much less combined in the manner proposed.

Again turning to Guillot (US2002/0157182A1) and Benoit (4,924,539) in combination, it must first be noted that neither patent suggests combination with the other. It is well settled that in order for prior art references to be validly combined, the references themselves must suggest their combination. As has been stated:

[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from their combination.

In re Sernaker, 217 U.S.P.Q. 1, 6(C.A.F.C. 1983). Neither Guillot (US2002/0157182A1) nor Benoit (4,924,539) suggest combination with the other.

Additionally, Guillot (US2002/0157182A1) and Benoit (4,924,539) are each individually complete. Each reference is complete and functional in and of itself, so there is no reason to use features from Guillot (US2002/0157182A1) to modify Benoit (4,924,539), or vice-versa. To combine Guillot (US2002/0157182A1) and Benoit (4,924,539) takes significant effort, ingenuity, and a bit of hindsight. Although the Office Action puts forth a great deal of effort to argue a Guillot (US2002/0157182A1)/Benoit (4,924,539) combination, it is this same effort which illustrates the point that it is not obvious to combine Guillot (US2002/0157182A1) and Benoit (4,924,539). Simply put, Guillot (US2002/0157182A1) and Benoit (4,924,539) each stand alone.

Moreover, some serious design problems materialize upon the combination of Guillot (US2002/0157182A1) and Benoit (4,924,539). These problems include the following.

First, the pin and latch mechanism (elements 56 and 72) in Benoit would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in Benoit there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend. If these features were combined, the couplings in Guillot would interfere with the latch tab in Benoit as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in Benoit would not be able to pass the coupling elements. Moreover the fixed pin 72 in Benoit would also interfere with the coupling elements in Guillot.

Second, the cam 75 in Guillot and the latch tab 56 of Benoit would cause problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

Third, a serious design challenge would manifest in order to resolve the location of the tracks in regard to latch tab 56 in a combination of Guillot (US2002/0157182A1) and Benoit (4,924,539). That is, in Benoit, latch tab 56 runs along track 50, which is exposed when latch tab 56 moves downward along said track together with front dropside 24. Even if the latch tab is moved to the end member 46 to mimic Guillot, some element would have to be used on corner post 14 in order to catch the latch tab 56. Whatever element is used, it is apparent that it will be exposed, which contradicts a significant purpose of Guillot; namely, limiting such exposure.

The results achieved in Applicants' invention illustrate a Synergism greater than the sum of individual features found in Applicants' invention.

The results achieved by Applicants are greater than the sum of the respective results of either Guillot (US2002/0157182A1) or Benoit (4,924,539). This synergism found in the Applicants' device tends to show that the Applicants' device is not obvious.

Applicants' invention utilizes the functions of a vertical rod, channeled corner legs, channeled side rails, and slotted corner legs to achieve a result greater in utility than achieved in either Guillot (US2002/0157182A1) or Benoit (4,924,539). As such, Applicant's invention surpasses or otherwise transcends the achievements found in Guillot (US2002/0157182A1) or Benoit (4,924,539). This is the synergism found in Applicant's invention and it is not obvious.

Even slight modifications and improvements warrant allowance for Applicant's invention because this field is a Crowded Art.

The field of crib inventions is a crowded art. Applicants offered eighteen (18) references in Applicants' Information Disclosure Statement and the examiner was able to point to four (4) references in the First Office Action. The years covered by the references span from 1932 to 2003, and the references generated are only those most applicable to Applicants' invention. All of this points to a crowded art.

Because Applicants' invention is in a crowded art, any modification or improvement which has not been implemented in this crowded art tends to show that said invention is not obvious. Even if an inventor's contribution to the crowded art is small, as "[u]noccupied places ... become narrower, ... the inventor's contribution may be, and often is just as outstanding and just as important and valuable as it would be if the field were a virgin one, and the invention, the first to appear." Universal Oil Prods. Co. v. Globe Oil & Refining Co., 137 F.2d 3, 7, 58 U.S.P.Q. 504, 509 (7th Cir. 1943).

No single reference in this crowded art has been cited against Applicants' invention. As such, no single invention in this crowded art has been found to perform in the same manner and with the same utility and novelty as does Applicants' invention. Indeed, the Office Action combines two, and sometimes three, references in this crowded art in an attempt to illustrate obviousness. Notwithstanding the fact that the references combined do not lend themselves to combination, this field is crowded, and that no one skilled in the prior art has put forth Applicants' invention in this crowded field, nor has anyone skilled in the art seen fit to combine the references cited until reviewing Applicants' application. Thus, it is more likely that hindsight, rather than obviousness, has influenced the opinion expressed in the Office Action.

Because the advantages of Applicant's invention have remained unappreciated by those skilled in the art, Applicant's invention is not obvious.

Despite the advantages evidenced in the Applicants' device, those skilled in the art of movable crib side inventions have not chosen to implement the Applicants' invention. This tends to show that the Applicants' invention is not obvious.

There is no question that Applicants' invention is novel and useful. Indeed, the ability to utilize Applicants' unique solution for raising and lowering a dropside of a crib cannot be doubted. The question to ask is why no one skilled in the art has implemented the features found in the Applicants' invention. The simple answer is that the advantages evidenced in the Applicants' invention have, for whatever reasons, gone unappreciated by those skilled in the art. As such, Applicants' invention is not obvious.

5. Rejection of Claims 4, 5, and 11 under 35 U.S.C. 103(a) on Guillot, Benoit (4,850,066), and Benoit (4,924,539): Points 6 and 8 in Office Action

Claims 4, 5, and 11 were rejected under 35 U.S.C. 103(a) as unpatentable over Guillot (US2002/0157182A1) in view of Benoit (4,850,066) and Benoit (4,924,539). The essence of the current rejection was that there exists a “mere reversal of parts” regarding placement of slotted regions being in end posts or corner legs. Applicants request reconsideration of this rejection for the following reasons:

- (1) Claims 4, 5, and 11 have been re-written to define patentably over the aforesaid references.
- (2) The proposed combination would not be physically possible or operative.
- (3) There is no justification in Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539), or in any other prior art separate and apart from Applicants’ disclosure, which suggests that these references be combined, much less combined in the manner proposed.
- (4) Because the results achieved by Applicant are greater than the sum of the respective results of either Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539), Applicants’ invention is not obvious.
- (5) Because Applicants’ invention pertains to a crowded art, any slight modification or improvement is enough to overcome an obviousness rejection.
- (6) Despite the inherent utility of Applicants’ invention, its advantages have remained unappreciated by those skilled in the art since no one skilled in the art has implemented the features of Applicants’ invention.

Guillot (US2002/0157182A1) Brief Discussion

Guillot (US2002/0157182A1) does not teach what is presented by Applicants. As discussed in the Office Action, Guillot’s dispositive features in this instance are a side unit 14, latching/guiding mechanism 50, end posts 17 and 18, side posts 22 and 23, track 42, coupling

element 30, top horizontal bar 20, bottom horizontal bar 21, slats 24, and end units 11 and 12. Moreover, according to the Office Action, Guillot discloses that common crib hardware; namely, a latching bar along a bottom rail engaging catch elements.

Benoit (4,850,066) Brief Discussion

Benoit (4,850,066) does not teach what is presented by Applicants. As discussed in the Office Action, Benoit (4,850,066) discloses a child's crib with corner posts 14, 16, 18, and 20, with said corner posts housing track 50 that receives end members 46 and 48 via latch tab 56.

Benoit (4,924,539) Brief Discussion

Benoit (4,924,539) does not teach what is presented by Applicants. As discussed in the Office Action, Benoit (4,924,539) discloses a latching mechanism and a button/plate arrangement for release of the side of the crib. The main difference between Benoit (4,850,066) and Benoit (4,924,539) is the configuration of the button/plate arrangement illustrated in FIG. 4 of Benoit (4,924,539) and FIG. 3 in Benoit (4,850,066). Otherwise, they are substantially the same.

Claims 4, 5, and 11 Re-Written

The essence of the current rejection was that there exists a "mere reversal of parts" regarding placement of slotted regions being in end posts or corner legs. This argument may have been a result of a lack of detail in the claims. As such, Claims 4, 5, and 11 were deleted and re-written via Claims 12 through 21. Although it is not readily possible to directly link any separate claim of Claims 12 through 21 to former Claims 4, 5, and 11 the elements in Claims 12 through 21 will be discussed. Such discussion will show that the function of the elements in the claims is now more readily understood and distinguishes over Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539).

As is now more apparent in the re-written claims, the Applicants' invention implements movement in the side of the crib along vertical slide rods mounted within the corner legs. This is done by having the vertical slide rods also placed within the channeled regions of the side rails. That is, the side rails are placed within the corner legs so that the channeled regions in the corner legs align with the channeled regions in the side rails so that the vertical slide rods pass through the channeled regions. Because the side rails are shorter in length than the slotted region of the corner legs (See FIGURE 5), when the latching means is removed from the corner legs, the side rails move vertically along the vertical slide rods within the confines of the slotted regions of the corner legs. These elements, as well as their functions, are now more distinctly presented in re-written Claims 12 through 21.

This configuration is not a mere reversal of parts. Indeed, the vertical slide rods used in Applicants' invention are not present in Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). Applicants submit that the lack of vertical slide rods in Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) refute or otherwise rebut the reversal of parts argument of the Office Action.

The Proposed Combination Would Not Be Physically Possible Or Operative

The proposed combination of Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) would not be physically possible or operative for several reasons. These reasons are discussed below.

First, the pin and latch mechanism (elements 56 and 72) in the two Benoit patents would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in the two Benoit patents there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend.

If these features were combined, the couplings in Guillot would interfere with the latch tab in the two Benoit patents as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in the two Benoit patents would not be able to pass the coupling elements. Moreover the fixed pin 72 in the two Benoit patents would also interfere with the coupling elements in Guillot.

Second, the combination would require a horizontal movement to initiate the activation of the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism in the two Benoit patents, together with pushing of the finger piece 42 in the two Benoit patents. This combination of movements would render the combination too complex for operation. As such, the combination would be inoperable.

Third, the cam 75 in Guillot and the latch tab 56 in the two Benoit patents would cause additional problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

There is no justification in Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) which suggests that these references be combined, much less combined in the manner proposed.

Again turning to Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) in combination, it must first be noted that none of the patents suggest combination with the other. It is well settled that in order for prior art references to be validly combined, the references themselves must suggest their combination. As has been stated:

[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from their combination.

In re Sernaker, 217 U.S.P.Q. 1, 6(C.A.F.C. 1983). Neither Guillot (US2002/0157182A1), Benoit (4,850,066), nor Benoit (4,924,539) suggest combination with the other.

Additionally, Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) are each individually complete. Each reference is complete and functional in and of itself, so there is no reason to use features from Guillot (US2002/0157182A1) to modify Benoit (4,924,539) or Benoit (4,850,066), or vice-versa. To combine Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) takes significant effort, ingenuity, and a bit of hindsight. Although the Office Action puts forth a great deal of effort to argue a Guillot (US2002/0157182A1)/Benoit (4,850,066)/Benoit (4,924,539) combination, it is this same effort which illustrates the point that it is not obvious to combine Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539). Simply put, Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) each stand alone.

Moreover, some serious design problems materialize upon the combination of Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539). These problems include the following points.

First, the pin and latch mechanism (elements 56 and 72) in the two Benoit patents would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in the two Benoit patents there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend. If these features were combined, the couplings in Guillot would interfere with the latch tab in the two Benoit patents as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in the two Benoit patents would not be able to pass the coupling elements. Moreover the fixed pin 72 in the two Benoit patents would also interfere with the coupling elements in Guillot.

Second, the cam 75 in Guillot and the latch tab 56 in the two Benoit patents would cause problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

Third, a serious design challenge would manifest in order to resolve the location of the tracks in regard to latch tab 56 in a combination of Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539). That is, in the two Benoit patents, latch tab 56 runs along track 50, which is exposed when latch tab 56 moves downward along said track together with front dropside 24. Even if the latch tab is moved to the end member 46 to mimic Guillot, some element would have to be used on corner post 14 in order to catch the latch tab 56. Whatever element is used, it is apparent that it will be exposed, which contradicts a significant purpose of Guillot; namely, limiting such exposure.

The results achieved in Applicants' invention illustrate a Synergism greater than the sum of individual features found in Applicants' invention.

The results achieved by Applicants are greater than the sum of the respective results of either Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). This synergism found in the Applicants' device tends to show that the Applicants' device is not obvious.

Applicants' invention utilizes the functions of a vertical rod, channeled corner legs, channeled side rails, and slotted corner legs to achieve a result greater in utility than achieved in either Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). As such, Applicant's invention surpasses or otherwise transcends the achievements found in Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). This is the synergism found in Applicant's invention and it is not obvious.

Even slight modifications and improvements warrant allowance for Applicant's invention because this field is a Crowded Art.

The field of crib inventions is a crowded art. Applicants offered eighteen (18) references in Applicants' Information Disclosure Statement and the examiner was able to point to four (4) references in the First Office Action. The years covered by the references span from 1932 to 2003, and the references generated are only those most applicable to Applicants' invention. All of this points to a crowded art.

Because Applicants' invention is in a crowded art, any modification or improvement which has not been implemented in this crowded art tends to show that said invention is not obvious. Even if an inventor's contribution to the crowded art is small, as "[u]noccupied places ... become narrower, ... the inventor's contribution may be, and often is just as outstanding and just as important and valuable as it would be if the field were a virgin one, and the invention, the first to appear." Universal Oil Prods. Co. v. Globe Oil & Refining Co., 137 F.2d 3, 7, 58 U.S.P.Q. 504, 509 (7th Cir. 1943).

No single reference in this crowded art has been cited against Applicants' invention. As such, no single invention in this crowded art has been found to perform in the same manner and with the same utility and novelty as does Applicants' invention. Indeed, the Office Action combines two, and sometimes three, references in this crowded art in an attempt to illustrate obviousness. Notwithstanding the fact that the references combined do not lend themselves to combination, this field is crowded, and that no one skilled in the prior art has put forth Applicants' invention in this crowded field, nor has anyone skilled in the art seen fit to combine the references cited until reviewing Applicants' application. Thus, it is more likely that hindsight, rather than obviousness, has influenced the opinion expressed in the Office Action.

Because the advantages of Applicant's invention have remained unappreciated by those skilled in the art, Applicant's invention is not obvious.

Despite the advantages evidenced in the Applicants' device, those skilled in the art of movable crib side inventions have not chosen to implement the Applicants' invention. This tends to show that the Applicants' invention is not obvious.

There is no question that Applicants' invention is novel and useful. Indeed, the ability to utilize Applicants' unique solution for raising and lowering a dropside of a crib cannot be doubted. The question to ask is why no one skilled in the art has implemented the features found in the Applicants' invention. The simple answer is that the advantages evidenced in the Applicants' invention have, for whatever reasons, gone unappreciated by those skilled in the art. As such, Applicants' invention is not obvious.

6. Rejection of Claims 6, 7, and 9 under 35 U.S.C. 103(a) on Guillot and Benoit (4,850,066): Points 6 and 9 in Office Action

Claims 6, 7, and 9 were rejected under 35 U.S.C. 103(a) as unpatentable over Guillot (US2002/0157182A1) in view of Benoit (4,850,066). The crux of the current rejection concerns placement of slotted regions being in end posts or corner legs. Applicants request reconsideration of this rejection for the following reasons:

- (1) Claims 6, 7, and 9 have been re-written to define patentably over the aforesaid references.
- (2) The proposed combination would not be physically possible or operative.
- (3) There is no justification in Guillot (US2002/0157182A1) and Benoit (4,850,066), or in any other prior art separate and apart from Applicants' disclosure, which suggests that these references be combined, much less combined in the manner proposed.

(4) Because the results achieved by Applicants are greater than the sum of the respective results of either Guillot (US2002/0157182A1) and Benoit (4,850,066), Applicant's invention is not obvious.

(5) Because Applicants' invention pertains to a crowded art, any slight modification or improvement is enough to overcome an obviousness rejection.

(6) Despite the inherent utility of Applicants' invention, its advantages have remained unappreciated by those skilled in the art since no one skilled in the art has implemented the features of Applicants' invention.

Guillot (US2002/0157182A1) Brief Discussion

Guillot (US2002/0157182A1) does not teach what is presented by Applicants. As discussed in the Office Action, Guillot's dispositive features in this instance are a side unit 14, latching/guiding mechanism 50, end posts 17 and 18, side posts 22 and 23, track 42, coupling element 30, top horizontal bar 20, bottom horizontal bar 21, slats 24, and end units 11 and 12. Moreover, according to the Office Action, Guillot discloses that common crib hardware; namely, a latching bar along a bottom rail engaging catch elements.

Benoit (4,850,066) Brief Discussion

Benoit (4,850,066) does not teach what is presented by Applicants. As discussed in the Office Action, Benoit (4,850,066) discloses a child's crib with corner posts 14, 16, 18, and 20, with said corner posts housing track 50 that receives end members 46 and 48 via latch tab 56.

Claims 6, 7, and 9 Re-Written

The crux of the current rejection concerns placement of slotted regions being in end posts or corner legs. This argument may have been a result of a lack of detail in the claims. As such, Claims 6, 7, and 9 were deleted and re-written via Claims 12 through 21. Although it is not

readily possible to directly link any separate claim of Claims 12 through 21 to former Claims 6, 7, and 9, the elements in Claims 12 through 21 will be discussed. Such discussion will show that the function of the elements in the claims is now more readily understood and distinguishes over Guillot (US2002/0157182A1) and Benoit (4,850,066).

As is now more apparent in the re-written claims, the Applicants' invention implements movement in the side of the crib along vertical slide rods mounted within the corner legs. This is done by having the vertical slide rods also placed within the channeled regions of the side rails. That is, the side rails are placed within the corner legs so that the channeled regions in the corner legs align with the channeled regions in the side rails so that the vertical slide rods pass through the channeled regions. Because the side rails are shorter in length than the slotted region of the corner legs (See FIGURE 5), when the latching means is removed from the corner legs, the side rails move vertically along the vertical slide rods within the confines of the slotted regions of the corner legs. These elements, as well as their functions, are now more distinctly presented in re-written Claims 12 through 21.

Indeed, the vertical slide rods used in Applicants' invention are not present in Guillot (US2002/0157182A1) or Benoit (4,850,066). Applicants submit that the lack of vertical slide rods in Guillot (US2002/0157182A1) and Benoit (4,850,066) refute or otherwise rebut the contention that moving the slotted regions from one feature to another was the essence of Applicants' invention. This is simply not the case.

The Proposed Combination Would Not Be Physically Possible Or Operative

The proposed combination of Guillot (US2002/0157182A1) and Benoit (4,850,066) would not be physically possible or operative for several reasons. These reasons are discussed below.

First, the pin and latch mechanism (elements 56 and 72) in Benoit would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight

horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in Benoit there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend.

If these features were combined, the couplings in Guillot would interfere with the latch tab in Benoit as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in Benoit would not be able to pass the coupling elements. Moreover the fixed pin 72 in Benoit would also interfere with the coupling elements in Guillot.

Second, the combination would require a horizontal movement to initiate the activation of the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism Benoit, together with pushing of the finger piece 42 in Benoit. This combination of movements would render the combination too complex for operation. As such, the combination would be inoperable.

Third, the cam 75 in Guillot and the latch tab 56 of Benoit would cause additional problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

There is no justification in Guillot (US2002/0157182A1) and Benoit (4,850,066) which suggests that these references be combined, much less combined in the manner proposed.

Again turning to Guillot (US2002/0157182A1) and Benoit (4,850,066) in combination, it must first be noted that neither patent suggests combination with the other. It is well settled that in order for prior art references to be validly combined, the references themselves must suggest their combination. As has been stated:

[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from their combination.

In re Sernaker, 217 U.S.P.Q. 1, 6(C.A.F.C. 1983). Neither Guillot (US2002/0157182A1) nor Benoit (4,924,539) suggest combination with the other.

Additionally, Guillot (US2002/0157182A1) and Benoit (4,850,066) are each individually complete. Each reference is complete and functional in and of itself, so there is no reason to use features from Guillot (US2002/0157182A1) to modify Benoit (4,850,066), or vice-versa. To combine Guillot (US2002/0157182A1) and Benoit (4,850,066) takes significant effort, ingenuity, and a bit of hindsight. Although the Office Action puts forth a great deal of effort to argue a Guillot (US2002/0157182A1)/Benoit (4,850,066) combination, it is this same effort which illustrates the point that it is not obvious to combine Guillot (US2002/0157182A1) and Benoit (4,850,066). Simply put, Guillot (US2002/0157182A1) and Benoit (4,850,066) each stand alone.

Moreover, some serious design problems materialize upon the combination of Guillot (US2002/0157182A1) and Benoit (4,850,066). These problems include the following.

First, the pin and latch mechanism (elements 56 and 72) in Benoit would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in Benoit there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend. If these features were combined, the couplings in Guillot would interfere with the latch tab in Benoit as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in Benoit would not be able to pass the coupling elements. Moreover the fixed pin 72 in Benoit would also interfere with the coupling elements in Guillot.

Second, the cam 75 in Guillot and the latch tab 56 of Benoit would cause problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

Third, a serious design challenge would manifest in order to resolve the location of the tracks in regard to latch tab 56 in a combination of Guillot (US2002/0157182A1) and Benoit (4,850,066). That is, in Benoit, latch tab 56 runs along track 50, which is exposed when latch tab 56 moves downward along said track together with front dropside 24. Even if the latch tab is moved to the end member 46 to mimic Guillot, some element would have to be used on corner post 14 in order to catch the latch tab 56. Whatever element is used, it is apparent that it will be exposed, which contradicts a significant purpose of Guillot; namely, limiting such exposure.

The results achieved in Applicants' invention illustrate a Synergism greater than the sum of individual features found in Applicants' invention.

The results achieved by Applicants are greater than the sum of the respective results of either Guillot (US2002/0157182A1) or Benoit (4,850,066). This synergism found in the Applicants' device tends to show that the Applicants' device is not obvious.

Applicants' invention utilizes the functions of a vertical rod, channeled corner legs, channeled side rails, and slotted corner legs to achieve a result greater in utility than achieved in either Guillot (US2002/0157182A1) or Benoit (4,850,066). As such, Applicant's invention surpasses or otherwise transcends the achievements found in Guillot (US2002/0157182A1) or Benoit (4,850,066). This is the synergism found in Applicant's invention and it is not obvious.

Even slight modifications and improvements warrant allowance for Applicant's invention because this field is a Crowded Art.

The field of crib inventions is a crowded art. Applicants offered eighteen (18) references in Applicants' Information Disclosure Statement and the examiner was able to point to four (4) references in the First Office Action. The years covered by the references span from 1932 to 2003, and the references generated are only those most applicable to Applicants' invention. All of this points to a crowded art.

Because Applicants' invention is in a crowded art, any modification or improvement which has not been implemented in this crowded art tends to show that said invention is not obvious. Even if an inventor's contribution to the crowded art is small, as "[u]noccupied places ... become narrower, ... the inventor's contribution may be, and often is just as outstanding and just as important and valuable as it would be if the field were a virgin one, and the invention, the first to appear." Universal Oil Prods. Co. v. Globe Oil & Refining Co., 137 F.2d 3, 7, 58 U.S.P.Q. 504, 509 (7th Cir. 1943).

No single reference in this crowded art has been cited against Applicants' invention. As such, no single invention in this crowded art has been found to perform in the same manner and with the same utility and novelty as does Applicants' invention. Indeed, the Office Action combines two, and sometimes three, references in this crowded art in an attempt to illustrate obviousness. Notwithstanding the fact that the references combined do not lend themselves to combination, this field is crowded, and that no one skilled in the prior art has put forth Applicants' invention in this crowded field, nor has anyone skilled in the art seen fit to combine the references cited until reviewing Applicants' application. Thus, it is more likely that hindsight, rather than obviousness, has influenced the opinion expressed in the Office Action.

Because the advantages of Applicant's invention have remained unappreciated by those skilled in the art, Applicant's invention is not obvious.

Despite the advantages evidenced in the Applicants' device, those skilled in the art of movable crib side inventions have not chosen to implement the Applicants' invention. This tends to show that the Applicants' invention is not obvious.

There is no question that Applicants' invention is novel and useful. Indeed, the ability to utilize Applicants' unique solution for raising and lowering a dropside of a crib cannot be doubted. The question to ask is why no one skilled in the art has implemented the features found in the Applicants' invention. The simple answer is that the advantages evidenced in the Applicants' invention have, for whatever reasons, gone unappreciated by those skilled in the art. As such, Applicants' invention is not obvious.

7. Rejection of Claims 8 and 10 under 35 U.S.C. 103(a) on Guillot, Benoit (4,850,066), and Benoit (4,924,539): Points 6 and 10 in Office Action

The essence of the current rejection is not clear to Applicants. The Office Action does not state with particularity or specificity why Claims 8 and 10 are rejected. Instead, the Office Action mentions former Claim 3 in the third full paragraph on page 10. Despite this, Applicants present the following.

Claims 8 and 10 were rejected under 35 U.S.C. 103(a) as unpatentable over Guillot (US2002/0157182A1) in view of Benoit (4,850,066) and Benoit (4,924,539). Applicants request reconsideration of this rejection for the following reasons:

- (1) Claims 8 and 10 have been re-written to define patentably over the aforesaid references.
- (2) The proposed combination would not be physically possible or operative.
- (3) There is no justification in Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539), or in any other prior art separate and apart from Applicants' disclosure, which suggests that these references be combined, much less combined in the manner proposed.
- (4) Because the results achieved by Applicant are greater than the sum of the respective results of either Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539), Applicants' invention is not obvious.
- (5) Because Applicants' invention pertains to a crowded art, any slight modification or improvement is enough to overcome an obviousness rejection.
- (6) Despite the inherent utility of Applicants' invention, its advantages have remained unappreciated by those skilled in the art since no one skilled in the art has implemented the features of Applicants' invention.

Guillot (US2002/0157182A1) Brief Discussion

Guillot (US2002/0157182A1) does not teach what is presented by Applicants. As discussed in the Office Action, Guillot's dispositive features in this instance are a side unit 14, latching/guiding mechanism 50, end posts 17 and 18, side posts 22 and 23, track 42, coupling element 30, top horizontal bar 20, bottom horizontal bar 21, slats 24, and end units 11 and 12. Moreover, according to the Office Action, Guillot discloses that common crib hardware; namely, a latching bar along a bottom rail engaging catch elements.

Benoit (4,850,066) Brief Discussion

Benoit (4,850,066) does not teach what is presented by Applicants. As discussed in the Office Action, Benoit (4,850,066) discloses a child's crib with corner posts 14, 16, 18, and 20, with said corner posts housing track 50 that receives end members 46 and 48 via latch tab 56.

Benoit (4,924,539) Brief Discussion

Benoit (4,924,539) does not teach what is presented by Applicants. As discussed in the Office Action, Benoit (4,924,539) discloses a latching mechanism and a button/plate arrangement for release of the side of the crib. The main difference between Benoit (4,850,066) and Benoit (4,924,539) is the configuration of the button/plate arrangement illustrated in FIG. 4 of Benoit (4,924,539) and FIG. 3 in Benoit (4,850,066). Otherwise, they are substantially the same.

Claims 8 and 10 Re-Written

As previously stated, the particular or specific reasons for current rejection are unclear. The argument for rejection may have been a result of a lack of detail in the claims. As such, Claims 8 and 10 were deleted and re-written via Claims 12 through 21. Although it is not readily

possible to directly link any separate claim of Claims 12 through 21 to former Claims 8 and 10 the elements in Claims 12 through 21 will be discussed. Such discussion will show that the function of the elements in the claims is now more readily understood and distinguishes over Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539).

As is now more apparent in the re-written claims, the Applicants' invention implements movement in the side of the crib along vertical slide rods mounted within the corner legs. This is done by having the vertical slide rods also placed within the channeled regions of the side rails. That is, the side rails are placed within the corner legs so that the channeled regions in the corner legs align with the channeled regions in the side rails so that the vertical slide rods pass through the channeled regions. Because the side rails are shorter in length than the slotted region of the corner legs (See FIGURE 5), when the latching means is removed from the corner legs, the side rails move vertically along the vertical slide rods within the confines of the slotted regions of the corner legs. These elements, as well as their functions, are now more distinctly presented in re-written Claims 12 through 21.

The Proposed Combination Would Not Be Physically Possible Or Operative

The proposed combination of Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) would not be physically possible or operative for several reasons. These reasons are discussed below.

First, the pin and latch mechanism (elements 56 and 72) in the two Benoit patents would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in the two Benoit patents there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend.

If these features were combined, the couplings in Guillot would interfere with the latch tab in the two Benoit patents as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in the two Benoit patents would not be able to pass the coupling elements. Moreover the fixed pin 72 in the two Benoit patents would also interfere with the coupling elements in Guillot.

Second, the combination would require a horizontal movement to initiate the activation of the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism in Guillot, a vertical movement to initiate the latching mechanism in the two Benoit patents, together with pushing of the finger piece 42 in the two Benoit patents. This combination of movements would render the combination too complex for operation. As such, the combination would be inoperable.

Third, the cam 75 in Guillot and the latch tab 56 in the two Benoit patents would cause additional problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

There is no justification in Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) which suggests that these references be combined, much less combined in the manner proposed.

Again turning to Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) in combination, it must first be noted that none of the patents suggest combination with the other. It is well settled that in order for prior art references to be validly combined, the references themselves must suggest their combination. As has been stated:

[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from their combination.

In re Sernaker, 217 U.S.P.Q. 1, 6(C.A.F.C. 1983). Neither Guillot (US2002/0157182A1), Benoit (4,850,066), nor Benoit (4,924,539) suggest combination with the other.

Additionally, Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) are each individually complete. Each reference is complete and functional in and of itself, so there is no reason to use features from Guillot (US2002/0157182A1) to modify Benoit (4,924,539) or Benoit (4,850,066), or vice-versa. To combine Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) takes significant effort, ingenuity, and a bit of hindsight. Although the Office Action puts forth a great deal of effort to argue a Guillot (US2002/0157182A1)/Benoit (4,850,066)/Benoit (4,924,539) combination, it is this same effort which illustrates the point that it is not obvious to combine Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539). Simply put, Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539) each stand alone.

Moreover, some serious design problems materialize upon the combination of Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539). These problems include the following points.

First, the pin and latch mechanism (elements 56 and 72) in the two Benoit patents would not work in the Guillot device. Generally stated, the Guillot device uses two tracks, 42 and 60, along with two coupling elements, 30 and 31, to provide both the connection between the crib side 14 and the end post 17 and the range of motion of the crib side 14. Through the initial use of slight horizontal movement, the latching and locking mechanisms in Guillot are activated (paragraph 0040). Comparatively, in the two Benoit patents there is no horizontal movement: the front dropside 24 must be raised vertically before the eccentric finger piece 42 is pushed and latch tab 56 can be made to avoid fixed pin 72 as dropside 24 is allowed to descend. If these features were combined, the couplings in Guillot would interfere with the latch tab in the two Benoit patents as the dropside descends. That is, because the coupling elements in Guillot are fixed to the end unit 11 thereof, the latch tab 56 in the two Benoit patents would not be able to pass the coupling elements. Moreover the fixed pin 72 in the two Benoit patents would also interfere with the coupling elements in Guillot.

Second, the cam 75 in Guillot and the latch tab 56 in the two Benoit patents would cause problems in the combination of the inventions. That is, the cam and latch tab would interfere with one another during movement of the dropside and would, therefore, require a substantial re-design of the tracks, the latching mechanisms, or the combination of the inventions as a whole.

Third, a serious design challenge would manifest in order to resolve the location of the tracks in regard to latch tab 56 in a combination of Guillot (US2002/0157182A1), Benoit (4,850,066), and Benoit (4,924,539). That is, in the two Benoit patents, latch tab 56 runs along track 50, which is exposed when latch tab 56 moves downward along said track together with front dropside 24. Even if the latch tab is moved to the end member 46 to mimic Guillot, some element would have to be used on corner post 14 in order to catch the latch tab 56. Whatever element is used, it is apparent that it will be exposed, which contradicts a significant purpose of Guillot; namely, limiting such exposure.

The results achieved in Applicants' invention illustrate a Synergism greater than the sum of individual features found in Applicants' invention.

The results achieved by Applicants are greater than the sum of the respective results of either Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). This synergism found in the Applicants' device tends to show that the Applicants' device is not obvious.

Applicants' invention utilizes the functions of a vertical rod, channeled corner legs, channeled side rails, and slotted corner legs to achieve a result greater in utility than achieved in either Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). As such, Applicant's invention surpasses or otherwise transcends the achievements found in Guillot (US2002/0157182A1), Benoit (4,850,066), or Benoit (4,924,539). This is the synergism found in Applicant's invention and it is not obvious.

Even slight modifications and improvements warrant allowance for Applicant's invention because this field is a Crowded Art.

The field of crib inventions is a crowded art. Applicants offered eighteen (18) references in Applicants' Information Disclosure Statement and the examiner was able to point to four (4) references in the First Office Action. The years covered by the references span from 1932 to 2003, and the references generated are only those most applicable to Applicants' invention. All of this points to a crowded art.

Because Applicants' invention is in a crowded art, any modification or improvement which has not been implemented in this crowded art tends to show that said invention is not obvious. Even if an inventor's contribution to the crowded art is small, as "[u]noccupied places ... become narrower, ... the inventor's contribution may be, and often is just as outstanding and just as important and valuable as it would be if the field were a virgin one, and the invention, the first to appear." Universal Oil Prods. Co. v. Globe Oil & Refining Co., 137 F.2d 3, 7, 58 U.S.P.Q. 504, 509 (7th Cir. 1943).

No single reference in this crowded art has been cited against Applicants' invention. As such, no single invention in this crowded art has been found to perform in the same manner and with the same utility and novelty as does Applicants' invention. Indeed, the Office Action combines two, and sometimes three, references in this crowded art in an attempt to illustrate obviousness. Notwithstanding the fact that the references combined do not lend themselves to combination, this field is crowded, and that no one skilled in the prior art has put forth Applicants' invention in this crowded field, nor has anyone skilled in the art seen fit to combine the references cited until reviewing Applicants' application. Thus, it is more likely that hindsight, rather than obviousness, has influenced the opinion expressed in the Office Action.

Because the advantages of Applicant's invention have remained unappreciated by those skilled in the art, Applicant's invention is not obvious.

Despite the advantages evidenced in the Applicants' device, those skilled in the art of movable crib side inventions have not chosen to implement the Applicants' invention. This tends to show that the Applicants' invention is not obvious.

There is no question that Applicants' invention is novel and useful. Indeed, the ability to utilize Applicants' unique solution for raising and lowering a dropside of a crib cannot be doubted. The question to ask is why no one skilled in the art has implemented the features found in the Applicants' invention. The simple answer is that the advantages evidenced in the Applicants' invention have, for whatever reasons, gone unappreciated by those skilled in the art. As such, Applicants' invention is not obvious.

8. Point 11 in Office Action

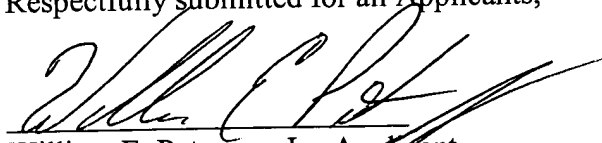
Applicants observe that Point 11 does not state an Objection or a Rejection. To the extent that Point 11 needs to be addressed, Applicants recognize that Schwartz and Mayette may disclose pertinent features to the present application. However, Applicants deny any negative implications of said recognition of pertinent features. Applicants' invention clearly distinguishes over Schwartz and Mayette.

Conclusion

For all the above reasons, Applicants submit that the specification, claims, and drawings are now in proper form, and that the claims all define patentably over the prior art and otherwise particularly and distinctly define the invention. No new matter has been added. Therefore, Applicants submit that this application is now in condition for allowance, which action Applicants respectfully request.



Respectfully submitted for all Applicants,



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Date: December 8, 2004


_____, Attorney for Applicant